

Attorney Docket No.: SJ-0011
Inventors: Danks et al.
Serial No.: 09/622,568
Filing Date: August 31, 2000
Page 5

REMARKS

Claims 23, 25, and 27-29 are pending in the instant application. Claims 23, 25, and 27-29 have been rejected. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

I. Rejection of Claims

Claims 23, 25, 27-29 stand rejected under 35 U.S.C. 103(a) as being as being unpatentable over Senter et al. (Reference AG of Applicants' PTO-1449) in view of Danks et al. (Reference AB of Applicants' PTO-1449) and Satoh et al. (Reference BA of Applicants' PTO-1449). The Examiner suggests that Senter et al. teach methods of increasing activation of prodrugs Paclitaxel and camptothecin (CPT-11) to active drugs in human and mouse tumor cells by administration of rat serum carboxylesterase following administration of the prodrug. Danks et al. is suggested to teach that a recombinant rabbit liver carboxylesterase sensitizes human tumor cells to the prodrug CPT-11. Satoh et al. is suggested to describe the specific activity of a variety of mammalian carboxylesterases for the activation of CPT-11 to SN-38 and show that rabbit liver carboxylesterase has one of the highest specific activities for this substrate. The Examiner suggests that as the inventive entity of the instant application is M.K. Danks, P.M. Potter, and P.J. Houghton; however, P.J. Houghton is not a co-author of the Danks et al. (Reference AB of Applicants' PTO-1449) and therefore Danks et al. is considered proper prior art under 102(a). Applicants respectfully traverse this rejection.

Attorney Docket No.: SJ-0011
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Page 6

At the onset, Applicants respectfully disagree with the Examiner's suggestion that Danks et al. teach a rabbit carboxylesterase recombinantly produced by expressing a polynucleotide encoding SEQ ID NO:21. As indicated by the Examiner in the Office Action mailed 3/26/04, "footnote 4 of Danks et al. evidences that the rabbit liver carboxylesterase used by Danks et al. is that encoded by SEQ ID NO:20." However, the citation at footnote 4 is "P.M. Potter, C.A. Pawlik, C.L. Morton and M.K. Danks. Isolation and characterization of a cDNA encoding a rabbit carboxylesterase that converts CPT-11 to SN-38. submitted for publication" [emphasis added]. The manuscript of footnote 4 was only published in the June 15, 1998 issue of Cancer Research. Thus, as of the priority date of the instant application (February 19, 1998), the amino acid sequence of a rabbit carboxylesterase of SEQ ID NO:21 was not publically available nor was the polynucleotide encoding the same (i.e., SEQ ID NO:20). As Danks et al. do not teach or suggest any polynucleotide or amino acid sequence information concerning rabbit carboxylesterase, this reference in combination with the references of Senter et al. and Satoh et al. fail to teach or suggest all the claim limitations and therefore do not make the present invention obvious. Withdrawal of this rejection is therefore respectfully requested.

II. Conclusion

The Applicants believe that the foregoing comprises a full and complete response to the Advisory Action of record.

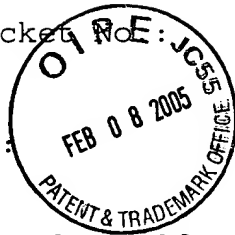
Attorney Docket No.:

Inventors:

Serial No.:

Filing Date:

Page 7



SJ-0011

Danks et al.

09/622,568

August 31, 2000

Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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